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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LAM, VINH TANG

ART UNIT

PAPER NUMBER

2629

MAIL DATE

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11/24/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/574,448	Applicant(s) ZHOU ET AL.	
	Examiner VINH LAM	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 4-17 and 19-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims **1-3** and **18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Loxley et al. (US Patent No. 6262833)** in view of **Sato (US Patent No. US 4041481)** and further in view of **Sterling et al. (US Pub. No. 2004/0231987)**.

Regarding Claim **1**, (Previously presented) **Loxley et al.** teach a display device having at least one picture element having an optical switch comprising at least one first fluid (*Col. 2, Ln. 54*) and a second fluid (*Col. 2, Ln. 54-55*) immiscible with each other above a first support plate (*Col. 2, Ln. 38-40, Ln. 50-54*), display device has driving means for applying to electrodes of the optical switch voltages associated with a range of electro-optical states of the picture element (*Col. 1, Ln. 58-62*) between and including a first extreme state and a second extreme state (*Col. 1, Ln. 66-67, Col. 2, Ln. 1-4, FIG. 1*).

However, **Loxley et al.** do not teach the driving means providing variable voltages prior to applying a fixed voltage, wherein the variable voltages comprise alternating voltages.

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In the same field of endeavor, **Sato** teaches the driving means providing during selection (*FIGs. 7G-7I, i.e. T_E - T_{Xn} periods because it is obvious that the cells must be selected for erasing and writing images*) of a picture element (*FIG. 7G, i.e. C11*) variable voltages (*Col. 7, Ln. 19-21, FIG. 7G or FIG. 6B, i.e. erase pulses during T_E*) to the picture element prior to applying a fixed voltage (*Col. 7, Ln. 40-58, FIG. 7G, i.e. 0V during T_p*) to the display device, the fixed voltage being associated with an electro-optical state (*Col. 7, Ln. 40-58, FIG. 7G, i.e. 0V during T_p would obviously produce an electro-optical state*) of the picture element that corresponds to a desired image grayscale to be set (*FIG. 7G, i.e. 0V during T_p would obviously produce a desired image grayscale of C11*),

wherein the variable voltages are selected (*Col. 7, Ln. 19-21, FIG. 7G or FIG. 6B, i.e. erase pulses during T_E to selected pixels*) mean voltage (*Col. 7, Ln. 40-58, FIG. 7G, i.e. 0V*) substantially equal to the fixed voltage (*Col. 7, Ln. 40-58, FIG. 7G, i.e. 0V*) that is associated with the electro-optical state (*Col. 7, Ln. 40-58, FIG. 7G, i.e. 0V during T_p would obviously produce an electro-optical state*) of the picture element (*FIG. 7G, i.e. C11*) that corresponds to a desired image grayscale_(*FIG. 7G, i.e. 0V during T_p would obviously produce a desired image grayscale of C11*).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine **Loxley et al.** teaching of a display device having picture element having, driving means, and range of electro-optical states with **Sato** teaching of driving means providing variable voltages prior to applying a fixed voltage to

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the display device *to enhance the image quality by eliminating the cross effect of the display.*

Loxley et al. and **Sato** teach the above display device and driving means.

However, **Loxley et al.** and **Sato** do not teach that the second fluid being electro-conductive or polar.

In the same field of endeavor, **Sterling et al.** teach the second fluid being electro-conductive or polar ([0075], FIG. 16B, i.e. 118a).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine **Loxley et al.** and **Sato** teaching of a display device structures and the driving means having variable voltages with **Sterling et al.** teaching of the second fluid being electro-conductive or polar *to substantially reduce the cost, parts (i.e. polar particles), and simplifying the design and/or manufacturing process.*

Regarding Claim 2, (Previously presented) the display device according to claim 1, wherein **Loxley et al.** teach the first support plate is a first transparent support plate, the display comprising the first and second the fluids within a space between the first transparent support plate and a second support plate (Col. 5, Ln. 58-68, Col. 6, Ln. 1-12, FIG. 1).

Regarding Claim 3, (Previously presented) the display device according to claim 1, wherein **Sato** teaches the variable voltages comprise a set of alternating voltages (Col. 7, Ln. 19-21, FIGs. 7G-7I, i.e. **erase pulses** during T_E).

Regarding Claim **18**, (Previously presented) the display device according to claim 1, wherein **Loxley et al.** teach the variable voltage includes one of the first and second extreme states (*Col. 5, Ln. 44-68, Col. 6, Ln. 1-12, FIGs. 1 & 2*).

Response to Arguments/Amendments/Remarks

2. Claims **4-6, 8-14, and 21-24** are withdrawn.
3. Claims **7, 15-17, and 19-20** are canceled.
4. Applicant's arguments filed 10/19/2010 have been fully considered but they are not persuasive.

Applicant argues that “...*the variable voltages applied during the **erase period TE** and the **pause pulse** applied during time **Tp** by **Sato** and are not variable voltages that correspond to the fixed data voltage...*”. However, the Examiner respectfully disagrees because:

(i). In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **erase period TE** and the **pause pulse**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(ii). The limitation of the claimed language simply stated that “...*during selection of a picture element **variable voltages** to the picture element prior to applying a **fixed***”

voltage to the display device, the fixed voltage being associated with an **electro-optical state**...” where the Examiner broadly interprets that

variable voltages (Col. 7, Ln. 19-21, FIG. 7G or FIG. 6B, i.e. **erase pulses** during T_E) are applied prior to **a fixed voltage** (Col. 7, Ln. 40-58, FIG. 7G, i.e. **0V** during T_p) wherein the *fixed voltage being associated with an **electro-optical state*** (Col. 7, Ln. 40-58, FIG. 7G, i.e. **0V** during T_p would obviously produce an **electro-optical state**, e.g. **data, erasing, or reset pulses**) regardless whether the **variable and fixed voltages** are **data** or **erasing pulses**. In other world, the claimed language is neither explicitly defined that *the **variable and fixed voltages** are **data pulses** nor an **electro-optical state** is produced by the **data pulses**.*

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH T. LAM whose telephone number is (571)270-3704. The examiner can normally be reached on M-F (7:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571) 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vinh T Lam/
Examiner, Art Unit 2629

/Amare Mengistu/

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Supervisory Patent Examiner, Art Unit 2629